

Remarks

Claims 1-23 are pending in this application, claims 1-3, 5-6, 8, 11, 13-14, 16 and 19-20 of which stand rejected under 35 U.S.C. Section 112, second paragraph. Claims 1-23 also stand rejected under 35 U.S.C. Section 103(a) in view of the proposed combination of U.S. Patent 6,457,653 to Campbell and U.S. Patent 6,067,227 to Katsui et al. Additionally, the disclosure is objected to with regard to informalities.

Applicant will address the objections and rejections of the Action using the paragraph numbering scheme and in the order presented in the Office Action.

Specification

The Specification has been resubmitted with paragraph numbers inserted and a clean copy is also submitted herewith. The informalities objections are corrected as follows:

With regard to the informality noted in Office Action paragraph 1.1, the word "thought" in newly numbered paragraph 15 has been corrected to read "though".

The recitation of "side view of Figure 8" in newly numbered paragraph 24 has been corrected to read "side view of Figure 7".

This is believed to address the informalities objections.

Claim Rejections Under 35 U.S.C. Section 112

In numbered paragraph 3 of the Office Action, the Examiner states "initially, it is confusing as to whether the cover is a piece that is placed over the inlets or outlets or represents an enclosure that includes the opening and alternate area as described in these claims". Applicant intends both meanings in that the cover is a piece that is placed over the inlet or outlet and includes the opening and the alternate area. To clarify this, applicant has split the final paragraph of claim 1 into two separate paragraphs without making any other changes in this claim. The first paragraph of these paragraphs specifies that the cover A overlays the supply air outlet while the

second of these paragraphs specifies that the cover defines an opening and an alternate area. A similar amendment was made to claim 2 and it is believed that with the foregoing explanation and the amendments that the objection to the claims 1-8 under 35 U.S.C. Section 112 is fully addressed.

Additionally, similar amendments were made to claim 11 so that the "wherein" paragraphs are now separate. This is believed to resolve the rejections relative to claims 11-18.

The rejections of claims 19 and 20 under 35 U.S.C. Section 112 are respectfully traversed on the basis that it is clear that the cover includes an opening, and on the basis that the "alternate area" language relied upon by the Examiner in making the rejection is not present in these claims. The Examiner is requested to reconsider and withdraw the rejection under 35 U.S.C. Section 112 relative to claims 19 and 20.

Regarding the rejection of claims 1 and 2 in numbered paragraphs 4 and 5, "The alternate area" can be an opening or a covering. If the alternate area is an opening, it provides an access for airflow whereas if it is a covering it blocks that same airflow. The Examiner is requested to reconsider and withdraw the rejections under 35 U.S.C. Section 112 with regard to claims 1 and 2 made in numbered paragraphs 4 and 5 of the Action. Should the Examiner renew the rejection, applicant proposes that the alternate area be defined as an alternate area comprising either a cover or an opening, and the Examiner's thoughts on such an amendment are requested.

In numbered paragraph 5 of the Action the Examiner has also objected to claim 5 stating that the language "alternate area-A and alternate area-B each define a substantially round opening" is not clear regarding whether the alternate area A or the alternate area-B is another opening or covering or something else. The applicant traverses this rejection on the basis that language is clear in defining "a substantially round opening" relative to each of alternate area-A and alternate area-B. Reconsideration and withdrawal of this rejection is requested. Numbered paragraph 5 also includes a similar rejection of claim 13 and the same comments are relevant but are not repeated.

Numbered paragraph 6 of the Office Action essentially objects to the use of the word "elevation" in claims 19 and 20. Each of these claims has been amended to specify "position" rather than "elevation". This is believed to resolve these rejections.

Claim Rejections Under 35 U.S.C. Section 103

Applicant respectfully traverses the rejection of claims 1-23 under 35 U.S.C. Section 103(a) in view of the proposed combination of Campbell and Katsui et al.

The Examiner acknowledges that Campbell does not disclose or teach *"an opening-A and an alternate area-A both of which overlay the supply air outlet and are offset relative to the centerline-A"*; and the claims are therefore recognized as novel in view of Campbell.

The Examiner proposes to use Katsui et al. to fill the void of Campbell, stating that Katsui teaches *"a cover 29B being generally rectangular with a centerline, where the cover defines an opening 29A and an alternate area 29A both of which overlay the supply air outlet for 4b and are offset relative to the centerline"*. Applicant submits that the claims are novel in view of Katsui et al. inasmuch as Katsui et al. does not disclose the claimed requirement of *"a cabinet defining a supply air outlet and a return air inlet where the supply air outlet and the return air inlet are substantially equal in size and shape"*.

Applicant further submits that the proposed combination would not be made by a person of ordinary skill in the art.

Firstly, Campbell and Katsui et al. are unrelated art and a person of ordinary skill in the art would not ordinarily combine them without a specific reason to do so. Specifically, Katsui et al is a heat sink for an electronic device (see Katsui, column 1, lines 16-24), whereas Campbell is a blower for an air conditioning system installed in conjunction with a forced hot air furnace (see Campbell, column 2, lines 49-53). The differing applications and the differing scales of Katsui et al. and Campbell work against a person of ordinary skill considering

such a combination. Moreover, there is no reason given to combine these disparate references and a person of ordinary skill in the art would not think of combining such references without a compelling reason to do so. No such compelling reason has been identified.

Secondly, there is no teaching, assuming that a person of ordinary skill in the art found a reason to combine Campbell and Katsui et al., regarding how those references should be combined and then modified to reach the claimed invention. These references cannot simply be combined "as is" to reach the claimed invention. Should a person of ordinary skill in the art make the decision to combine Campbell and Katsui et al., does the person of ordinary skill in the art merge the top plate 29 of Katsui et al. to cover the air conditioning ducts of Campbell, leaving the pair of openings 29A and the lids 29B to both cover the duct 130 for example, or is one of the openings 29A enlarged so that it covers the duct 130 and the other opening 29A enlarged to cover the duct opening 126? A teaching to this effect of how to combine and modify Campbell and Katsui et al. has not been identified.

Thirdly, in either case from the preceding paragraph, the result of such a hypothetical combination and modification is not functional. The resultant combination/modification will no longer function because the baffle 132 will no longer have the capability to block air from flowing between the connection points 126, 130 as is required by Campbell at column 4, lines 40-42. Campbell itself recognizes this and Campbell states at column 7, lines 14-22, "*it should be further understood that if the system 100 is not going to be used for an extended period of time (e.g., during the winter), the damper baffle 132 may be removed and used to block the two holes leading to the conduits 126, 128, thereby stopping the diversion of heated air through the indoor unit 120. That is, the dam 132 may be sized (and/or may be adjustable) so as to cover both holes 126, 128 in the duct system 118 from the inside or the outside.*" (emphasis added) A person of ordinary skill in the art would recognize this and would not consider Campbell particularly relevant to the present invention due to this teaching. In this regard, applicant submits that the proposed combination of Katsui

et al. with Campbell fails as inoperable. Applicant further submits that there are no suggestions in either Katsui et al. or Campbell to make the modifications necessary to result in an operable invention as claimed in claim 1.

For all of these reasons, the reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. Section 103 is requested.

Claim 2 is submitted to be independently novel and patentable in view of any combination of Katsui et al. and Campbell inasmuch as neither reference discloses or suggests a second cover.

Claim 3 is submitted to be independently novel and patentable in view of any proposed combination of Katsui et al. and Campbell in that neither Katsui et al. nor Campbell discloses two covers which are both interchangeable and invertible to vary the relative positions of the openings A and B and the alternate areas A and B.

For these reasons, the rejections of claims 2 and 3 under 35 U.S.C. Section 103(a) are independently traversed and requested to be reconsidered and withdrawn.

The rejection of claim 11 is also independently traversed and requested to be reconsidered and withdrawn for all of the foregoing reasons inasmuch as claim 11 requires a cover A, a cover B having an opening and an alternate area wherein the cover A and the cover B are interchangeable with respect to each other and are invertible to vary the relative positions of the openings A and B and the alternate areas A and B. It is submitted that neither Katsui et al. nor Campbell, whether taken alone or in combination, can meet this set of requirements.

The rejections of claims 19-23 under 35 U.S.C. Section 103(a) are traversed, and reconsideration and withdrawal of those rejections is requested. The foregoing comments regarding the merits of combining Campbell and Katsui et al. are relevant but not repeated. Additionally, the following specific comments are relevant.

With regard to claims 19 and 20, neither reference discloses or suggests removing a cover, inverting the cover, and reattaching the cover to an enclosure to thereby change the position of an opening.

Further with regard to claim 20, neither reference proposes a second cover in addition to the first cover.

With regard to claim 21, neither reference proposes that the two covers can be swapped as is required by that claim.

With regard to claim 22, neither reference proposes that the covers can be swapped to thereby change a distance between an opening A and an opening B.

With regard to claim 23, neither reference suggests inverting at least one or the other of the covers.

Applicant specifically traverses the accuracy of the Examiner's statement "as previously stated, Campbell teaches removing cover-A 130 and cover-B 132 from enclosure and swapping positions of cover-A 130 and cover-B 132". This statement cannot be found in Campbell. Applicant submits that Campbell does not disclose a second cover and that reference numeral 130 of Campbell is not a cover but is identified as a point of the air distribution system (see Campbell, column 4, line 32 to be specific). This statement by the Examiner is inaccurate and the Examiner's rejections based upon this statement are requested to be reconsidered and withdrawn. Consequently, these claims are submitted to be novel and patentable in view of Katsui et al. and Campbell, whether taken individually or in combination, and reconsideration and withdrawal of these rejections is requested.

With the submission of the foregoing amendments and remarks, each issue raised by the Action is believed to be fully addressed. Should applicant have failed to address or have not fully addressed an issue, the Examiner is requested to contact applicant's representative by telephone.

Respectfully Submitted,



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